

CONRAD S. HUCKINS, ET AL.

IBLA 75-57

Decided January 22, 1975

Appeal from decision of Alaska State Office, Bureau of Land Management, which declared notice of location for homestead settlement unacceptable for recordation. AA 8943.

Affirmed.

1. Applications and Entries: Generally -- Alaska: Homesteads -- Alaska: Land Grants and Selections

A notice of location for homestead settlement on lands applied for as a state selection under the Alaska Statehood Act is unacceptable for recordation.

APPEARANCES: Mr. and Mrs. Conrad Huckins, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Mr. and Mrs. Conrad Huckins appealed from a decision of the Alaska State Office, Bureau of Land Management, dated July 16, 1974, notifying appellants that their location notice was unacceptable for recordation because of the prior filing of State of Alaska selection application AA-8933.

Appellants filed their homestead entry location notice on March 28, 1974; they indicated the date of settlement or occupancy was March 24, 1974. The State of Alaska filed its selection application under the Alaska Statehood Act of July 7, 1958, 72 Stat. 339, as amended, 48 U.S.C. Prec. § 21 (1970), on March 22, 1974, for the entire unsurveyed T. 18 N., R. 49 W., Seward Mer., including all of appellants' claimed area.

On appeal to this Board, appellants contend that prior to filing they repeatedly checked with the BLM State Office to see if there were any other prior recorded claims and allege they were informed on each occasion that there were none. They assert the

found no record of the State's selection application or any other prior claim on the plat of the subject township at the time of their filing.

Appellants further contend they have in good faith expended large sums of money ^{1/} on the enterprise, and would face severe economic and personal hardship if their claim is not validated.

While appellants have gone to great length to demonstrate a strong intention to perfect a homestead, the fact remains that their occupancy was commenced two days after the State of Alaska's selection application.

[1] Appellants cannot obtain rights to lands for homesteading when those lands have been segregated from settlement by a state selection application. 43 CFR 2647.4(b). Since the lands were segregated before initiation of their claim, the notice of location was not acceptable for recordation. Cf. James Milton Cann, 16 IBLA 34 (1974); 43 CFR 2567.2.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Douglas E. Henriques
Administrative Judge

We concur:

Joan B. Thompson
Administrative Judge

Frederick Fishman
Administrative Judge

^{1/} A detailed itemized list accompanying their appeal showed expenditures for travel, licenses, preparation equipment and incidentals of \$6,897.02.

